

inconsistent with the President's constitutional authority with respect to foreign relations, diplomacy, and international negotiations. Therefore, these provisions should be eliminated or cast in precatory rather than mandatory terms.

In Title V, the Administration commends the provisions that add to the Secretary of Homeland Security's flexibility in providing first responder grant funds to certain high-risk areas, but has concerns about border state funding mandates which reduce that flexibility. The Administration opposes provisions in Title V that would create inequities in personnel policy between the FBI and other law enforcement agencies, and looks forward to working with the Congress on a separate and comprehensive reform of law enforcement pay and benefits. The Administration also opposes provisions that would encumber the Federal rulemaking process with duplicative and burdensome new requirements.

The Administration opposes Section 5043 of the bill, which would eliminate the level playing field established for all three branches of government by the Government-Wide Ethics Reform Act of 1989, creating a new regime of non-uniform ethics laws. The financial disclosure process should be modernized to reflect changed circumstances. The Administration urges Congress to adopt the bill to modernize government-wide financial disclosure submitted by the Office of Government Ethics to the Speaker on July 16, 2003.

The Administration is also very concerned about the dozens of new reporting requirements contained in the bill. The Administration will continue to work with the Congress to eliminate or reduce the burden created by unnecessary or duplicative statutory reporting requirements, while respecting the responsibilities of the Congress.

The Administration is also concerned about provisions in Title V that would, taken together, construct a cumbersome new bureaucracy, duplicate existing legal requirements, and risk unnecessary litigation. The Administration urges the House to delete or significantly revise these problematic provisions.

The Administration notes that the Committee bill did not include Section 6 ("Preservation of Authority and Accountability") of the Administration's proposal; the Administration strongly supports inclusion of this provision in the House bill. The Administration's proposal also provides necessary additional authorities for the NID to be able to effectively operate the Office of NID; however, H.R. 10 does not provide the NID with these additional authorities. The legislation should also recognize that its provisions would be executed to the extent consistent with the constitutional authority of the President: to conduct the foreign affairs of the United States; to withhold information the disclosure of which could impair the foreign relations, the national security, deliberative processes of the Executive, or the performance of the Executive's constitutional duties; to recommend for congressional consideration such measures as the President may judge necessary or expedient; and to supervise the unitary executive.

Finally, the Administration has concerns with a number of other provisions in the bill and looks forward to working with Congress to address them as the bill proceeds.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Representative GUTIERREZ's motion to instruct on H.R. 10, I must oppose this motion to instruct.

This motion specifically instructs the conferees to remove sections 3005, 3006, 3007, 3008, 3009, 3032, 3051, 3052, 3053, 3054,

3055, and 3056, something I agree with. However, his motion to instruct also calls conferees to recede from the entire House amendment and thus accept Senate bill, S. 2845, which has some very unacceptable provisions. One such provision exposes the funds we spend on the intelligence community.

Even though he references immigration provisions, which forced me to vote against the House bill, his motion to instruct has the purpose of accepting the entire Senate bill. This is something I cannot agree to.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The question is on the motion to instruct offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GUTIERREZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on this motion are postponed.

#### REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108-769) on the resolution (H. Res. 843) waiving points of order against the conference report to accompany the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 831 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 831

*Resolved*, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of October 8, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER pro tempore. The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and passed this resolution waiving clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules.

The waiver authorized by this resolution applies to any special rule reported on the legislative day of Friday, October 8, 2004, providing for the consideration or disposition of a conference report to accompany the bill H.R. 4200, the Defense authorization conference report for fiscal year 2005. I would advise my colleagues that adoption of this resolution is made necessary because the work of the conferees on the Defense authorization conference report has taken longer than anticipated.

I believe it is imperative that the House considers the proposed conference report on Defense authorization as soon as possible. The last thing we would ever want would be for the necessary armor and weaponry needed by our Armed Forces to be held up or delayed in any way.

My friend from Texas has always been a strong supporter of our military. I trust he, too, would prefer to rapidly approve the Defense authorization conference report; and to that end, I urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I have always been proud to support the Defense authorization bill in the House, and this year is no exception. The conference report on the Department of Defense Authorization Act helps ensure the safety of our fighting men and women around the world. It provides them with the tools they need to fight the war on terror, and it provides much-needed benefits that will improve the quality of life for them and their families.

Mr. Speaker, I strongly support moving the conference agreement forward because of its importance to our national security and to our troops in the field.

While I will not oppose this martial law rule which will allow the House to